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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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| 09/659,839      | 09/11/00    | LAWAL                | R 2831-11602/D      |

QM22/0314  
DOLLY KAO MESSRS BARRIGAR & MOSS  
2 ROBERT SPECK PARKWAY  
SUITE 901  
MISSISSAUGA ON L4Z 1H  
CANADA

AIR MAIL

EXAMINER

PIERCE, W

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3711

DATE MAILED: 03/14/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/659,839

Applicant(s)

Lawal

Examiner  
William M. Pierce

Group Art Unit  
3711



☒ Responsive to communication(s) filed on ids 11/28/00, 1/16/01

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-13 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-13 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

WILLIAM M. PIERCE  
PRIMARY EXAMINER

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit:

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the steps of claims 8-13 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Such feature can readily be shown by way of a flow chart.

2. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

claim 13, "the selected letter indicia" lacks a proper antecedent.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5 and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Guyer.

As to claims 1-4 and 7, in fig. 1, Guyer shows letter members being assigned a point value and manipulation members in bonus spaces in chart 28 for high and low points for determining the final score. As to claim 5, the "recepacles" are considered to be the spaces in the chart 28.

Art Unit:

As to claims 8-11, the score manipulation members in chart 28 are considered to be "arranged randomly".

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guyer.

As to claim 6, the arrangement of the receptacles in an oval on the chart of Guyer would have been an obvious matter of design choice. The step of challenging the formation of a word as in claim 12 and awarding bonus points for the number of letters use in forming the word as called for in claim 13 is considered old to word forming games.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tidalgo, Hill, Walker, Mercado-Torres and Chalfin et al. show word forming games.

8. Any inquiry concerning this communication should be directed to William Pierce at E-mail address bill.pierce@USPTO.gov or at telephone number (703) 308-3551.

  
**WILLIAM M. PIERCE**  
PRIMARY EXAMINER